

## **Senate Bill No. 707**

### **CHAPTER 430**

An act to amend Sections 49460, 49461, 49462, 49463, and 49465 of the Education Code, relating to pupils.

[Approved by Governor September 21, 1997. Filed  
with Secretary of State September 22, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 707, Calderon. Pupil health assessment.

(1) Existing law requires the State Department of Education, the State Department of Health Services, and the State Department of Social Services to jointly enter into a collaborative agreement with the California State University, the University of California, and the California medical schools, to establish a standardized health assessment of the children within public schools. The University of California is the agency responsible for coordinating that effort.

This bill, instead, would designate the California State University as the agency responsible for coordinating that effort and would make changes to related provisions of law.

(2) Existing law requires the health assessment to be conducted over a 4-year period and to be completed on or before December 31, 1996.

This bill would instead require the health assessment to be completed on or before December 31, 2002.

(3) Existing law requires the University of California to notify each school selected to participate in the health assessment about any pupils at that school for whom the assessment has detected any health problems.

This bill would eliminate that requirement.

(4) Existing law provides that the agencies described in (1) are only required to implement that health assessment upon the availability of sufficient private sector funding to cover all costs relating to the health assessment.

This bill would declare the intent of the Legislature that each fiscal year funds be appropriated to the California State University for the purposes of the health assessment in an amount equal to the private sector funds received for the relevant fiscal year, up to a maximum of \$120,000 in state funds in any fiscal year. The bill would provide that under no circumstances shall state funds appropriated for the purposes of the program be apportioned in any fiscal year until the private funds necessary to fully fund the assessment have been received.

*The people of the State of California do enact as follows:*

SECTION 1. Section 49460 of the Education Code is amended to read:

49460. (a) The State Department of Education, the State Department of Health Services, and the State Department of Social Services shall jointly enter into a collaborative agreement with the California State University, the University of California, and California medical schools, to establish a standardized health assessment of the children within public schools, and develop a data base on the health of children who are representative of the state's population. The California State University is responsible for coordinating this effort.

(b) The agreement shall address all of the following:

(1) Conducting the health assessment which may include the following:

(A) Anthropometric measures.

(B) Testing for physical fitness.

(C) Testing for chronic disease indicators by using the following methods:

(i) A survey of family health and medical history.

(ii) Blood pressure measurement.

(iii) A blood panel by participating pupils, on a voluntary basis, and with the written consent of the pupil's parent or guardian.

(D) Assessment of the nutritional status of participating pupils.

(E) Conducting a voluntary and anonymous survey relating to alcohol, drug, and tobacco use, and related diseases.

(2) Establishing a coordinating center at the California State University, in collaboration with the University of California and California medical schools, with pupil assessment sites at public schools.

(3) Summarizing the assessment findings that shall be made available to the public.

(4) Providing the assessment results to the State Department of Health Services, other state agencies, and to medical and education groups.

(c) No child shall be required to participate in a standardized health assessment program if the parent or guardian of that child objects to that participation because the program conflicts with the religious beliefs of the parent or guardian. The objection shall be made in a written form and shall be included in a letter submitted to the coordinating center, acknowledging parental notice of the health assessment.

SEC. 2. Section 49461 of the Education Code is amended to read:

49461. The coordinating center at the California State University shall select a sample of schools that is demographically and ethnically

representative of the state's population to participate in the health assessment.

SEC. 3. Section 49462 of the Education Code is amended to read:

49462. The health assessment shall be conducted over a four-year period and shall be completed on or before December 31, 2002.

SEC. 4. Section 49463 of the Education Code is amended to read:

49463. The California State University shall notify the parent or guardian of each pupil for whom the assessment has detected health problems and shall recommend further consultation with a physician. If there is no physician available, the coordinating center shall direct the parent or guardian to an appropriate medical referral. Under no circumstances shall a school, the California State University, or the University of California be held liable for the parent or guardian's action, or failure to take action on seeking medical care for the identified health problem. This section is not applicable to alcohol, drug, and tobacco use.

SEC. 5. Section 49465 of the Education Code is amended to read:

49465. (a) The agencies enumerated in Section 49460 shall only be required to implement this article upon the availability of funds received from the private sector and state funds appropriated for the purposes of this article in a total amount sufficient to cover all costs relating to the implementation and continuing administration of this article.

(b) The California State University shall notify all participating entities, including school districts, the State Department of Education, the State Department of Health Services, the State Department of Social Services, and the University of California when sufficient funds are available to meet the requirements specified in subdivision (a).

(c) All funds received from the private sector under this article shall be deposited in the State Treasury and are continuously appropriated to the California State University, which shall allocate those funds to participating agencies to reimburse those agencies for costs incurred in carrying out this article. The amounts allocated to the State Department of Education shall include amounts sufficient to reimburse participating school districts for any costs incurred pursuant to this article.

(d) No school district shall be required to participate in the assessments unless it is reimbursed from those funds for all costs incurred pursuant to this article.

(e) It is the intent of the Legislature that each fiscal year funds be appropriated to the California State University for the purposes of this article in an amount equal to the private sector funds received for those purposes for the relevant fiscal year, up to a maximum of one hundred twenty thousand dollars (\$120,000) in state funds in any fiscal year. Under no circumstances shall state funds appropriated for the purposes of this article be apportioned in any fiscal year until the

private funds necessary to fully fund the assessment required by this article have been received.

(f) Reimbursements pursuant to this section shall be limited to the amounts and purposes specified in the collaborative agreement described in Section 49460.

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